

Message Text

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ACTION NEA-12

INFO OCT-01 EUR-25 IO-13 ADP-00 DPW-01 CIAE-00 DODE-00

PM-07 H-03 INR-10 L-03 NSAE-00 NSC-10 PA-03 RSC-01

PRS-01 SS-15 USIA-12 OMB-01 TRSE-00 RSR-01 /119 W

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R 171440Z JUL 73

FM AMEMBASSY THE HAGUE

TO SECSTATE WASHDC 1667

INFO AMEMBASSY DACCA

AMEMBASSY ISLAMABAD

AMEMBASSY NEW DELHI

USMISSION USUN NY

LIMITED OFFICIAL USE THE HAGUE 3154

E.O. 11652: N/A

TAGS: ICJ (INTERNATIONAL COURT OF JUSTICE), PK, IN, BG

SUBJECT: ICJ CASE ON PAKISTANI POWS

REF: (A) ISLAMABAD 5740

(B) THE HAGUE 2891

1. ICJ ISSUED COMMUNIQUE JULY 16 NOTING THAT COURT, IN ORDER DATED JULY 13 BY VOTE OF 8-4, HAD DECIDED THAT WRITTEN PROCEEDINGS IN PAK POW CASE WILL BE ADDRESSED TO QUESTION OF JURISDICTION. TIME FIXED FOR SUBMISSION OF MEMORIALS AS REPORTED PARA 3 REF A. COURT COMMUNIQUE NOTED THAT IN LETTER OF JULY 11 PAKISTAN INFORMED ICJ THAT NEGOTIATIONS WITH INDIA OVER ISSUES IN PAKISTAN APPLICATION WOULD SHORTLY TAKE PLACE. THEREFORE, PAKISTAN REQUESTED ICJ TO POSTPONE FURTHER CONSIDERATION OF ITS REQUEST FOR INTERIM MEASURES IN ORDER FACILITATE NEGOTIATIONS. ICJ, IN ITS ORDER OF JULY 13, NOTES THAT LETTER FROM PAKISTAN SIGNIFIES THAT ICJ NO LONGER HAS BEFORE IT A REQUEST FOR INTERIM MEASURES WHICH IS TO BE TREATED AS A MATTER OF URGENCY AND THEREFORE IS NOT CALLED UPON TO PRONOUNCE UPON THIS REQUEST. IN VIEW OF THESE CIRCUMSTANCES, ICJ MUST FIRST SATISFY ITSELF THAT IT HAS JURISDICTION.

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2. COMMENT: EMBOFF SPOKE TO ICJ FIRST SECRETARY JULY 17, NOTING ANNOUNCEMENT OF DECISION HAD BEEN MADE BY PAKISTAN OVER WEEKEND AND EXPRESSING SURPRISE COURT DID NOT ISSUE COMMUNIQUE SAME DAY AS ORDER (WHICH IS NOT PROMULGATED IN OPEN SESSION). ICJ FIRST SECRETARY INDICATED COURT WAS RATHER IRRITATED WITH PAKISTAN'S LEAK OF INFORMATION AND NOTED THAT THIS HAD PROMPTED INDIANS TO CLAIM THAT ICJ HAD REJECTED GOP REQUEST FOR ITERIM MEASURES, WHICH HE SAID WAS COMPLETELY UNTRUE. ICJ FIRST SECRETARY AGREED WITH EMBOFF THAT EVEN IF IT MEANT WORKING OVERTIME, IT WAS BETTER TO ISSUE COMMUNIQUE SAME DAY RATHER THAN TO ALLOW WEEKEND TO INTERVENE AND RELY ON PARTIES TO DISPUTE TO AVOID COMMENT UNTIL COURT HAD MADE FORMAL ANNOUNCEMENT OF ITS ORDER.
TANGUY

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Message Attributes

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